

RE: PCT APPLICATION IL 2006/000647

DECLARATION

I, Gilbert Goller, an Israeli citizen of 20 Dan Street, Jerusalem, Israel, I.D.# 12224234 hereby declare as follows:

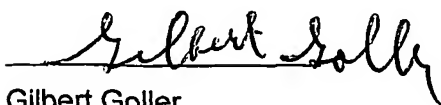
1. I have been a partner with the firm of Wolff, Bregman & Goller for more than 34 years.
2. At the end of May 2006, representatives of PDI sent me written instructions to file a PCT application based on Israel Patent Application No.168,901, which they themselves had filed on May 31, 2005.
3. After studying the specification of said Israel application, I advised them that I believed that at least the claims should be rewritten since the specification supported broader definitions than those in the claims that they had written and submitted themselves.
4. As a result of my meeting with these representatives, it was agreed that I would redraft and refile the application so that the PCT application could be filed claiming priority from two priority dates.
5. I then proceeded to prepare the second application which application was filed on May 15, 2006.
6. As indicated, I was then to proceed to prepare a PCT application based on the text of the second application and claiming priority from both applications.
7. Inexplicably, all the facts surrounding the filing of the second application and the instructions to file a PCT application based on both applications disappeared from my memory and it was only on June 1, 2006 when I was preparing the filing report with regard to the filing of said second Israel application, that I was reminded of the fact that I had been instructed to file a PCT application by May 31, 2006, based on both applications.
8. I can honestly state that in the 34 years of my practice, it has never happened that an application which I was instructed to file was not timely filed due to a lapse of memory on my part.

9. I also have no explanation as to how the instructions to file this application were not stored in my memory after I had actively worked on the application in revising the same and in filing a new application relating the subject matter on May 15, 2006.
10. Since the original application was one which our firm had not prepared, it was not in our docketing system and therefore the filing date of May 31, 2006 for this case was not to be found in our system.
11. Since it had never happened that a filing date was missed due to inexplicable memory loss, no failsafe was in place to protect against such an unexpected contingency.
12. As stated, we have specific written instructions from applicant to file a PCT application based on Israel Application 168,901 and clearly this was their intention.
13. Similarly, we have Israel Application No.:175,664 which was filed on May 15, 2006 as evidence of the fact that it was our intention to file a PCT application based on both of these Israel applications.
14. While I will be 63 years old next month, and have suffered from lapses of short term memory in my home environment, I re-iterate that in my work environment at Wolff Bregman & Goller I have previously not encountered any problems with my memory and have always prided myself on how many details regarding so many cases I can recall and relate to within my work.
15. I must admit that I find it incomprehensible how the instruction to file this case by May 31, 2006 could have disappeared from my memory after I had actively worked on this case and filed the revised text on May 15, 2006.
16. I further find it incomprehensible that during the entire two-week period between May 15, 2006 and May 31, 2006 no recollection of this instruction surfaced in my mind and in fact when I began to prepare the filing report to applicant regarding the second case, which had been filed on May 15, 2006, I began by treating it as a new case which had no previous history and only when I saw application 168,901 in this new file did I realize, to my chagrin, that I had missed the filing date by one day.

17. Since I could not understand this unexpected and unexplained memory loss, I consulted with a neurologist and enclosed herewith please find a true copy of his medical opinion dated October 21, 2006, together with a copy of his CV.
18. As will be noted, in layman terms, it is his considered opinion that there is a high probability that this loss of memory was a result of an infarct, i.e., a mini-stroke.
19. I wish to add that as indicated in his letter, it was only in July of 2006, that I was hospitalized with sudden onset, unstable angina pectoris, necessitating both angioplasty and an insert of two stents to deal with blockage of two cardiac arteries.
20. Furthermore, I was hospitalized on October 1, 2006 having suffered a brain ischemia, (TIA).
21. Therefore, it is my considered belief that my failure to timely file the PCT application was the result of a first of 3 cardio and cerebral vascular events and since this was the first event, it was not anticipated and precautions were not in place to prevent the same, and therefore it is fair to state that the PCT application was not filed in time because of circumstances over which the applicant and myself, as representative, had not control and which could not have been prevented from arising because of the unexpected nature thereof.
22. In such circumstances, which are akin to force majeure, treating the application as if it were timely filed so that it could benefit from the claimed priority date of May 16, 2006 would be equitable.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true.

Dated this 5th day of November 2006


Gilbert Goller